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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,492

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Louis Robert Litwin

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Joseph J. Laks

Thomson Licensing LLC

2 Independence Way, Patent Operations

PO Box 5312

PRINCETON, NJ 08543

EXAMINER

ZEWDU, MELESS NMN

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,492	<b>Applicant(s)</b> LITWIN ET AL.	
	<b>Examiner</b> Meless N. Zewdu	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/30/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/30/06</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

### DETAILED ACTION

1. This action is the first on the merit of the instant application.
2. Claims 1-11 are pending in this action.

### *Claim Objections*

Claim 1 is objected to because of the following informalities: “acquire slot synchronization” should be reading --- acquiring a slot synchronization and “acquiring frame synchronization” should be reading --- acquiring a frame synchronization, since slot and frame are countable nouns. The same modification is suggested in claim 4, line 3. In claim 3, on line 2, “acquire frame” should be -- acquire the frame.

Claim 3 is objected to because of the following informalities: “**value;**” on line 11 should be reading as --- value, ---. Appropriate correction is required.

Furthermore, similar modifications are also suggested in claims 7 and subsequently to claims 8-11, as follows:

1. claim 7, line 6, change “slot” to --- the slot ---,
2. claim 7, line 5, change “slot” to --- a slot ---,
3. claim 7, line 9, change “frame” into --- a frame ----,
4. claim 7, line 9, change “a secondary” to --- the secondary ---,

Claim 6 is objected to because of the following informalities: “value;” on line 8 should be --- value, ---.

Claim 8 is objected to because of the following informalities: “slot synchronization” on line 1, should be ---the slot synchronization. Appropriate correction is required.

Claim 10 objected to because of the following informalities: “frame” on line 3 should be --- the frame. Appropriate correction is required.

Claim 11 is objected to because of the following informalities: “frame” on line 2 should be --- the frame. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "the steps of halting" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the steps of halting" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites a feature, “halting the secondary synchronization element as a function of the data representative of the channel condition.” Examiner raise the question, what channel condition? If it includes any

channel condition, then it is in deeded indefinite; as it stands now the feature does not exclude any condition.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,894,996 B2).

**As per claim 1:** while “receiver” in the preamble is considered as an intended use (for not being used to enhance the body of the claims), Lee discloses a method, comprising:

(a) processing a first synchronization channel of a received wireless signal to acquire slot synchronization (see at least, abstract);

(b) processing a second synchronization channel of the received wireless signal to acquire frame synchronization in such a way that the first synchronization channel is used to detect a change in channel condition (see abstract). RSSI indicates a change in channel conditions.

**As per claim 2:** Lee discloses a method, wherein the first synchronization channel is a primary synchronization sub-channel (PSCH) and the second synchronization channel

is a secondary synchronization sub-channel (SSCH) of a universal mobile telephone system (UMTS) (see col. 1, lines 34-48).

**As per claim 4:** the features of claim 4 are similar to the features of claim 1. Hence, claim 4 is rejected on the same ground and motivation as claim 1.

**As per claim 5:** the feature of claim 5 is similar to the feature of claim 2. Hence, claim 5 is rejected on the same ground as claim 2.

### ***Allowable Subject Matter***

Claim 7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 3 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 8=11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and further addressing the minor objections indicated under the "claim objections" above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne D can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2617

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/Meless N Zewdu/  
Primary Examiner, Art Unit 2617  
Friday, May 02, 2008